

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 OIC-02 AF-06 ARA-06 EA-06

NEA-09 CIAE-00 DODE-00 PM-03 H-02 INR-07 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 /096 W

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R 071622Z MAR 75

FM USDEL VIENNA

TO SECSTATE WASHDC 5030

INFO USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: PORG, AORG, PDIP, UN, AU

SUBJECT: UN CONFERENCE ON THE REPRESENTATION OF STATES IN THEIR
RELATIONS WITH INTERNATIONAL ORGANIZATIONS (RSIO) --
ARTICLE 75 - PNG PROVISION

SUMMARY. FOLLOWING DETAILED DEBATE ON ARTICLE 75
(RESPECT FOR LAWS AND REGULATIONS OF HOST STATE) AND
CONSIDERATION OF LARGE NUMBER OF AMENDMENTS, COMMITTEE
REJECTED ALL BUT IMPORTANT ONE SUBMITTED BY FRENCH DEL.
SOVIET BLOC AND MOST LATIN AMERICANS WERE OBDURATE IN
DEFENSE OF ILC TEXT WHILE WEO, SOME ASIANS AND AFRICANS
SHOWED WILLINGNESS TO ACCEPT CHANGE. ADOPTION
BY NARROW VOTE OF FRENCH AMENDMENT OPENS UP ARTICLE
CONSIDERABLY SINCE THE HOST STATE IS AUTHORIZED TO
TAKE "MEASURES NECESSARY FOR ITS OWN PROTECTION".
END SUMMARY.

1. FOR DAY AND HALF, MARCH 4 AND 5, COMMITTEE DEBATED
PANOPLY OF AMENDMENTS TABLED ON ARTICLE 75 (RESPECT
FOR LAWS AND REGULATIONS OF THE HOST STATE). AMONG
THOSE TABLED (AND IN SOME CASES SUB-AMENDED DURING
DEBATE) WERE:

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A. NIGERIAN AMENDMENT WHICH PROPOSED THAT IN

CASE OF ABUSE OF PRIVILEGES BY PERSON HOST STATE CAN REQUEST RECALL AND, IF NOT RECALLED, REFUSE TO RECOGNIZE PERSON AS MEMBER OF MISSION OR DELEGATION.

B. UK AMENDMENT WHICH INCLUDES ADDED REASONS FOR RECALLING DIPLOMAT WHO SERIOUSLY ABUSED HIS POSITION AS PERSON ENJOYING P&I OR HAD INTERFERED IN INTERNAL AFFAIRS OF HOST STATE OR ELSEWHERE. IT ALSO INTRODUCED IDEA THAT "AT REQUEST OF HOST STATE" SENDING STATE SHALL RECALL INDIVIDUAL.

C. FRENCH AMENDMENT ALSO INSERTED NOTION OF "REQUEST OF HOST STATE" AND ADDED NEW PARA THAT NOTHING IN ARTICLE SHALL BE CONSTRUED AS PROHIBITING HOST STATE FROM TAKING SUCH MEASURES AS NECESSARY FOR ITS OWN PROTECTION.

D. OTHER AMENDMENTS WERE ADDED BY ITALY WHICH INSERTED PNG PROVISION SIMILAR TO NIGERIA AMENDMENT, SPAIN WHICH SOUGHT DELETION OF WORD "MANIFEST" FROM ILC TEXT WHEN REFERRING TO VIOLATIONS, YEMEN WHICH SOUGHT THAT PNG BE CONVEYED THROUGH ORGANIZATION, ARGENTINA WHICH SUB-AMENDED UK AMENDMENT TO DROP REFERENCE TO INTERFERENCE IN AFFAIRS OF THIRD STATES, TUNISIA AND MADAGASCAR WHICH REQUESTED CLARIFICATION OF FRENCH AMENDMENT AND SOME CHANGE IN WORDING.

2. DEBATE WAS HIGHLY DIFFUSE WITH VARIOUS SPEAKERS CONCENTRATING ON ONE AMENDMENT OR ANOTHER. LATIN AMERICAN AND SOVIET BLOC DELS STRONGLY BACKED ILC AS DID MANY OTHER DELS ALTHOUGH SOME, AFTER EXPRESSING PREFERENCE FOR ILC TEXT, WENT ON TO SUGGEST CERTAIN CHANGES IN AMENDMENTS TABLED. CAMEROON DEL EARLY IN DEBATE SOUGHT CLOSURE AND PRIORITY CONSIDERATION OF ILC TEXT BEFORE AMENDMENTS. CLOSURE WAS DEFEATED 21(SOVBLOC, AFS)-28(US)-19. LATER, ON POINT OF ORDER, CANADIAN DEL CALLED ON CHAIR TO RULE CAMEROON PRIORITY MOTION OUT OF ORDER. IN SPITE OF STRONG SOVBLOC BROWBEATING CHAIR FIRMLY RULED THAT AMENDMENTS HAD TO BE CONSIDERED FIRST.

3. IN VOTING SEQUENCE COMMITTEE TOOK UP SERIES OF ISSUES:

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A. MOVE BY ECUADOR FOR SEPARATE VOTE ON WORKS QUOTE AT THE REQUEST OF THE HOST STATE UNQUOTE AND OPPOSED BY UK WAS APPROVED 29(SOVBLOC, LAS)-23(US)-14. VOTE ON PHRASE ITSELF RESULTED IN DELETION OF THIS VITAL LANGUAGE 24(US)-37-6.

B. UK AMENDMENT AS SUB-AMENDED WAS REJECTED BY EXTREMELY NARROW MARGIN OF 29(US)-30-9 (CHILE, VENEZUELA, INDONESIA).

C. NIGERIAN AMENDMENT OF PARA 2 OF ILC DRAFT, AS SUB-AMENDED BY JAPAN, WAS VOTED ON IN PARTS. PHRASE QUOTE ON REQUEST OF HOST STATE UNQUOTE WAS DELETED BY 23(US)-36-0. VOTE WAS THEN TAKEN ON WHAT REMAINED WHICH WAS IN FACT ORIGINAL ILC TEXT. THIS PASSED 38-11(US)-16. SUBPARAS 2 AND 3 OF NIGERIAN AMENDMENT (PNG PROVISIONS) WERE REJECTED 26(US)-14(SOVBLOC, LAS, SPAIN)-4 AND 24(US)-40-8.

D. FRENCH AMENDMENT AS SUBSEQUENTLY ELABORATED ORALLY BY FRENCH DEL NARROWLY PASSED 33 (US, WEO, MOROCCO, TUNISIA, LEBANON, IVORY COAST, MADAGASCAR)-30 (SOVBLOC, LAS)-8 (SPAIN, YEMEN, DENMARK).

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4. MOST HOST STATES MADE IT EXTREMELY CLEAR THAT WITHOUT SOME MODIFICATION OF ILC TEXT, CONVENTION COULD NEVER BE ACCEPTED. LOBBYING CONTINUED CONTINUALLY DURING PAST WEEKS AND ESPECIALY AFTER ISSUE WAS FIRST JOINED IN ARTICLE 9 DEBATE. HOWEVER, WE HAVE BEEN CONFRONTED WITH ALMOST INVULNERABLE LATIN AMERICAN BLOC WHICH COMBINED WITH SOVIETS CAN BE ASSURED OF MINIMUM GROUP OF 20. ONLY OCCASION WHEN SOME LATIN AMERICANS VOTED IN FAVOR OF AMENDMENT WAS UK DRAFT AFTER IT WAS HEAVILY SUB-AMENDED. HOWEVER, AT THAT TIME AFRICAN AND ARAB MODERATES DID NOT FAVOR

LANGUAGE.

5. FRENCH AMENDMENT WHICH WAS ADOPTED, WHILE SOME-
WHAT UNCLEAR IN ITS MEANING, OPENS UP LANGUAGE OF
ARTICLE 75 TO BROAD INTERPRETATION. IT WAS VIEWED
BY MANY WHO SUPPORTED LANGUAGE AS COMPROMISE TO MEET
CONCERN OF HOST STATE AND AT SAME TIME TO BE DECLARA-
TION OF OBVIOUS. FRENCH LANGUAGE WE UNDERSTAND IS
DRAWN FROM HEADQUARTERS AGREEMENTS ENTERED INTO BY
SWISS. ADOPTION OF THIS LANGUAGE CAUSED SUCH UNCER-
TAINTY THAT SOVBLOC FIRST FAILED TO VOTE IN FAVOR OF
TEXT AS WHOLE AND THEN RAISED THEIR CARDS TOO LATE IN
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FAVOR. SOME OF THEM ABSTAINED, JOINING US IN THIS
VOTE. FINAL TEXT PASSED 41-1(AUSTRIA)-27.

6. COMMENT: OUR INITIAL IMPRESSION IS THAT EFFECT OF
ADDED PARAGRAPH ON ARTICLE 75 MAKES TEXT SATISFACTORY
FROM OUR POINT OF VIEW. THUS UNSATISFACTORY WORDS IN
ARTICLE WHICH SEVERELY CURTAIL HOST STATE OPTIONS
LOSE THEIR FORCE SINCE NOTHING IN ARTICLE CAN BE
INTERPRETED AS PREVENTING THE HOST STATE FROM TAKING
MEASURES (E.G. PNG) NECESSARY FOR ITS OWN PROTECTION.

7. WE SHOULD EXPECT SOVIETS TO TRY TO ELIMINATE THIS
PARA IN PLENARY. THIS CAN BE FRUSTRATED ONLY IF WE
CAN MUSTER COUNTERVAILING BLOCKING THIRD TO USE FOR
NEGOTIATING PURPOSES. MOWINCKEL

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